



RUTHERFORD & CHRISTIE LLP
NEW YORK ATLANTA

March 8, 2021

Via ECF

Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Catalano v. MarineMax, et al.*
Docket No.: 2:20-CV-04134 (DG)(AKT)

Dear Magistrate Judge Tomlinson:

Our firm represents the Defendants in the above-mentioned matter and we are writing to advise you that the parties have met and conferred and we attach the following Rule 26(f) Meeting Report. We also wish to advise Your Honor that on February 24, 2021 the Defendants filed a pre-motion letter with the Court seeking permission to file a Rule 12© motion to dismiss on the pleadings [Document No. 16]. At the Rule 16 conference on Wednesday, we would like to discuss with Your Honor the possibility of holding off on discovery until the motion has been decided.

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP



David S. Rutherford

cc. Anthony J. Gallo, Esq. **Via ECF**

RULE 26(f) MEETING REPORT

CASE NAME: Catalano v. MarineMax

DOCKET NO.: 2:20-cv-04134

Have the parties met and conferred? Yes Date? 3/8/21

Date the Rule 26(a)(1) initial disclosures were exchanged? Not Yet

Proposed Discovery Plan

1. Deadline for parties to provide properly executed authorizations/releases: 4/9/21
2. Deadline to join new parties or amend the pleadings: 4/9/21
3. Should any changes be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or by local rule?¹ Yes No ✓
4. Deadline to file any protective order: 4/9/21
5. The parties shall complete all fact discovery by: 7/9/21
6. The parties shall complete expert discovery, if necessary, by: 10/8/21
7. The parties shall file any pre-motion conference request by:² 11/8/21
8. Should the Court hold an early settlement conference in this action?³ Yes ✓ No
9. Have the parties agreed to a plan regarding electronic discovery?⁴ Yes ✓ No
10. Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. §636?⁵
(Answer no if any party declines to consent without indicating which party has declined)
Yes No ✓

¹ If yes, the parties should be prepared to address the proposed changes at the initial conference.

² The parties are reminded to comply with the individual rules of the presiding district court judge.

³ Prior to the initial conference, counsel shall discuss with their clients and their adversaries whether an early settlement conference, or other form of alternative dispute resolution, is appropriate in this case and be prepared to explain their reasons to the Court.

⁴ If yes, the parties shall file a letter detailing the parties' proposed plan regarding electronic discovery.

⁵ The fillable consent form AO 85 is available at https://www.nyed.uscourts.gov/forms/all-forms/general_forms and must be signed by all parties and filed electronically.